Remarks

Claims 1-5, 7-14, 30, and 33 remain pending in this application. The invention is believed to be patentable.

The examiner rejected claims 17-21, 23-29, and 32 under 35 USC 101. Claims 17-21, 23-29, and 32 are canceled.

The examiner rejected claims 1-3, 8-9, 14, 17-19, 24-25, 30, and 32 under 35 USC 103(a) as being unpatentable over applicants admitted prior art in view of *Fielding* (U.S. Pub. No. 2004/0172551) and further in view of Examiner's official notice.

Claims 17-19, 24-25, and 32 are canceled. Claims 1-3, 8-9, 14, and 30 are believed to be patentable.

Claim 1 is directed to a method of tracking incoming transmissions. In general, embodiments of the invention comprehend a retroactive virus detection and propagation history tracking mechanism. The detection and tracking mechanism provides identification of successive recipients of a newly discovered virus which may have eluded detection during the lag time prior to effectuation of the detection fingerprint corresponding to the virus.

Among other limitations, claim 1 recites storing an indication of a subsequent disposition of the incoming transmission, receiving a subsequent set of comparison fingerprints, and matching the subsequent set of comparison fingerprints to the stored fingerprints. Claim 1 further recites determining, based on the matching of the subsequent set of comparison fingerprints, if the subsequent set of comparison fingerprints is indicative of an undesirable portion in the incoming transmission. Claim 1 further recites selectively performing, based on the determining, a remedial action in response to the subsequent disposition.

Put another way, claim 1 recites tracking the subsequent disposition of the incoming transmission; and, if an undesirable portion in the incoming transmission is later

determined (receiving, matching, and determining), selectively performing, based on the determining, a remedial action in response to the subsequent disposition.

The particular features noted above, as acknowledged by the examiner, are not included in applicant's admitted prior art.

The examiner relies on *Fielding* as a secondary reference. *Fielding* does not overcome these acknowledged shortcomings.

Fielding does describe an approach to virus scanning. *Fielding* describes the use of hash signatures, and more particularly, describes defining a database of signatures of files known to contain a virus, and scanning a software file to determine whether or not the file has a signature corresponding to one of the signatures contained in the database. *Fielding* allows the effective blocking of the transfer and/or processing of files which contain an identified virus. Further, *Fielding* also describes a mechanism for quarantine of affected files until such a time that an updated virus definition file can be received.

Nevertheless, *Fielding* is only describing the effective blocking of the transfer or processing of files which contain an identified virus. There is no description of tracking the subsequent disposition as claimed. There is no description of selectively performing the remedial action in response to the subsequent disposition of the incoming transmission.

The examiner only mentions that *Fielding* describes storing or quarantining a file until the virus software is updated properly, and then using the updated virus definition files to clean the infected files. Paragraph [0008] does acknowledge a problem with time lag between the release of viruses and the release of updated virus definition files. However, *Fielding* only addresses this problem by defining a database of signature files, scanning files to effectively block transfer or processing of the files, and allowing the quarantine of infected files until a later time at which updated virus definitions are available. Although a file may be quarantined, there is no teaching of "storing an indication of a subsequent disposition of the incoming

transmission." To the extent that an incoming transmission in *Fielding* is disposed of after being received, there is no teaching of any storing of an indication of a subsequent disposition. Further, there is no teaching of "selectively performing, based on the determining, a remedial action in response to the subsequent disposition."

Claims 2-3, 8-9, and 14 are dependent claims and are also believed to be patentable. Claim 8 is believed to recite further patentable subject matter. Claim 8 clarifies that the subsequent disposition includes delivery to at least one successive recipient and remedial action includes determining the successive recipients from the stored successive disposition and notifying each of the successive recipients. In rejecting claim 8, the examiner only makes reference to page 2, lines 19-25 of the instant application. Applicant does acknowledge that conventional virus detection computes a signature for portions of incoming messages, and employs a set of known virus fingerprints for comparison with incoming mail messages.

There is no teaching of the claimed subject matter including the subsequent disposition including delivery to at least one successive recipient, particularly combined with the storing of the indication of the subsequent disposition for the incoming transmission, together with remedial action including determining the successive recipients for the stored successive disposition and notifying each of the successive recipients.

Independent claim 30 recites a computer program product having a computer readable medium operable to store computer program logic embodied in computer program code encoded thereon for tracking incoming transmissions. Claim 30 recites limitations similar to claim 1, and is believed to be patentable for the reasons given above.

Claims 4, 7, 20, and 23 were rejected under 35 USC 103 (a) as being unpatentable over applicants admitted prior art, *Fielding*, the examiner's official notice, and further in view of *Paul* (U.S. Pat. No. 6,052,709).

Claims 20 and 23 are now canceled. Claims 4 and 7 are dependent claims and are also believed to be patentable. Claim 7 is believed to recite further patentable subject matter. In particular, claim 7 recites that the subsequent disposition includes transmitting the incoming transmission to a list of successive recipients; and the remedial action is sending a notification to the successive recipients indicative of the matching incoming transmission. *Paul* does describe controlling delivery of unsolicited electronic mail. However, there is no description of the further claimed subject matter.

Claims 33 and 34 were rejected under 35 USC 103(a) as being unpatentable over applicant's admitted prior art, *Fielding*, the examiner's official notice, and further in view of *Van der Made* (U.S. Pub. No. 2003/0212902). Claim 34 is now canceled and claim 33 is a dependent claim and is also believed to be patentable.

For reasons given above, pending claims 1-5, 7-14, 30, and 33 are believed to be in condition for allowance and such action is respectfully requested. If the examiner has any remaining uncertainty as to the patentability of the invention, a telephone call to the undersigned is respectfully requested.

Please charge any fees or credit any overpayments as a result of the filing of this paper to our Deposit Account No. 02-3978.

Respectfully submitted,

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Date: November 21, 2008

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